APHC010280312026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

WEDNESDAY,THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4452/2026

Between:

1. MD YUSAF KHAN ALIAS DILLI, S/O. RAMJAN VALLI, AGED ABOUT 25 YEARS,R/O. TF4, BLOCK NO.7. JNRM COLONY,PENDURTHY, VISAKHAPATNAM CITY AND DISTRICT,PRESENTLY RESIDING AT S.C. COLONY, SABBAVARAM TOWN,ANAKAPALLI DISTRICT, A.P.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Rep by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. GOLLAPALLI MAHESWARA RAO

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused on bail in Cr.No.98 of 2026 of Gopalapatnam Police Station, Visakhapatnam District, registered against the

Petitioner/Accused herein for the offence punishable under Sections 20(b)(ii)(B) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Material averments stemming from the case of the prosecution are that on 05.04.2026 at about 14:30 hours, near the North Simhachalam Railway Quarters, Gopalapatnam, Visakhapatnam City, the Sub-Inspector of Police, Gopalapatnam Police Station, acting upon reliable intelligence regarding illicit transportation of narcotic substance, apprehended Accused/Md. Yusaf Khan, who attempted to abscond on sighting the police party while carrying a bag. On interrogation, the Accused confessed to having procured 2.170 kilograms of Ganja from an unknown person at Paduva, Odisha, for Rs.3,000/-, intending to sell the same for unlawful gain. The contraband was seized under due panchnama in the presence of mediators, and the accused was arrested.

3. Sri G.Maheswara Rao, learned Counsel for the Petitioner submits that the entire prosecution case in Crime No.98/2026 of Gopalapatnam Police Station, Visakhapatnam District is a concocted version resting solely on a false report and an inadmissible confession statement, and that the alleged seizure of 2.170 kilograms of ganja, being far below commercial quantity, cannot justify the continued incarceration of the Petitioner. It is urged that the Petitioner, a law-abiding citizen with permanent abode, has been languishing in judicial custody for seventy three days without any iota of evidence against him, that investigation is practically complete, and that the Hon'ble Apex Court

in **Tofan Singh v. State of T.N.,**[1] and **Arnesh Kumar v. State of Bihar**[2] has categorically held that confessional statements before police officials are inadmissible and mechanical arrests in cases of small quantity contraband are impermissible. It is also urged that the allegations are of a nature that do not warrant custodial interrogation, and if any condition is imposed while granting the bail, Petitioner would not violate it and it is urged to allow the Criminal Petition.

4. *Per contra,* Ms. P.Akhila Naidu, learned Assistant Public Prosecutor submits that the offence alleged against the Petitioner is grave and serious in nature, involving the possession and transportation of narcotic drugs which have a pernicious effect on society, particularly on youth. It is argued that the seizure of 2.170 kilograms of ganja, though below commercial quantity, is still an intermediate quantity under 'the NDPS Act.,' and attracts stringent punishment. The prosecution emphasizes that the recovery was affected under due procedure with independent mediators, and the confession of the Accused corroborates the seizure. It is further contended that the Accused has a history of criminal antecedents, having been involved in three prior NDPS cases and three I.P.C., cases, which clearly establish his habitual involvement in criminal activities. In such circumstances, granting bail would not only hamper the investigation but also embolden the accused to continue his unlawful activities, thereby posing a serious threat to public order and the larger societal interest and it is urged to dismiss the bail petition.

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[1] (2021) 4 SCC 1
[2] (2014) 8 SCC 273

5. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

6. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

"Whether the Petitioner is entitled for grant of bail?"

7. Indeed, in this connection, it is relevant to refer the following decisions of the Hon'ble Apex Court.

8. In ***Union of India v. Ram Samujh***[3] the Hon'ble Supreme Court at Paragraph No.7 held as under*:*

> *"In murder cases the harm is limited to one or two individuals, whereas narcotics offences destroy numerous vulnerable lives and have a deadly impact on society; offenders involved in drug trafficking pose a continuous hazard and are likely to persist in their illicit activities if released, and therefore strict adherence to the legislative mandate is essential."*

9. In ***Durand Didier v. State (UT of Goa)***[4] the Hon'ble Apex Court at Paragraph No.24 held as under:

> *"The organised underworld activities and clandestine trafficking of narcotic drugs have caused widespread addiction, especially among adolescents and students, turning the menace into a serious and alarming social problem. To combat this devastating threat with its deadly impact on society, Parliament recognised the need for strong measures. Consequently, it enacted Act 81 of 1985, introducing strict provisions with mandatory minimum imprisonment and fines."*

10. On a careful consideration of the submissions made and the material placed on record, this Court finds that the offence alleged against the Petitioner involves possession and transportation of narcotic drugs of intermediate quantity, which is a serious crime under 'the NDPS Act.,' with

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[3] (1999) 9 SCC 429
[4] (1990) 1 SCC 95

grave consequences for society.

11. In light of the observations made by the Hon'ble Supreme Court in **Ram Samujh** and **Durand Didier** *supra*, this Court holds that there are no merits in the petition for the present.

12. The Petitioner has been in the judicial custody for the past 73 days; he was arrested on 05.04.2026. The Petitioner is a rowdy sheet holder. There are three similar adverse antecedents reported against the Petitioner under the provisions of 'the NDPS Act.,' they are Cr.No.14/2026, 208/2023 and 68/2023. Further, there are three more adverse antecedents registered under the provisions of 'the I.P.C.' The investigation is at nascent stage; some more material witnesses are to be examined. Not even substantial portion of the investigation is completed. Hence, the request for enlarging the Petitioner on bail at this stage is not found convincing and reasonable.

13. In the result, the Criminal Petition is dismissed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 17.06.2026
VTS